

AO 91 (Rev. 11/11) Criminal Complaint

Officer:

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Jose Luis RAMIREZ VIRAMONTES

Case No. Case: 2:24-mj-30478

Assigned To : Unassigned

Assign. Date : 11/5/2024

Description: CMP USA v. RAMIREZ
VIRAMONTES (DJ)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 28, 2024 in the county of Macomb in theEastern District of Michigan, the defendant(s) violated:*Code Section*

8 U.S.C. §§ 1326(a), (b)(1)

Offense Description

Unlawful Reentry Following Removal from the United States

This criminal complaint is based on these facts:

On or about October 28, 2024, in the Eastern District of Michigan, Southern Division, Jose RAMIREZ-VIRAMONTES, an alien who had previously been convicted of a felony offense and was subsequently removed from the United States on or about August 25, 2017, at or near Chicago, Illinois, was thereafter found in the United States without having obtained the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Sections 1326(a), (b)(1).

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: November 5, 2024City and state: Detroit, Michigan

 Complainant's signature

Monica Alaez, Deportation Officer

Printed name and title


 Judge's signature

Hon. Kimberly Altman, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST
WARRANT**

I, Monica Alaez, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) of the United States Department of Homeland Security (DHS) at the Detroit Field Office. I have been employed in this capacity since March 2009. I am currently assigned to the Detroit ICE-ERO Criminal Apprehension Program.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of a criminal complaint and an arrest warrant for Jose Luis RAMIREZ VIRAMONTES, a native and citizen of Mexico who has previously been convicted of a felony offense and was subsequently removed from the United States on or about August 25, 2017, at or near Chicago, Illinois, and was thereafter found in the United States on or about October 28, 2024, without having obtained the express consent or permission of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission, all in violation of Title 8, United States Code, Sections 1326(a), (b)(1).
3. The information contained in this affidavit is based upon my personal knowledge and observations, information provided by other law enforcement personnel to include ICE ERO Deportation Officers, and database record checks. I have also reviewed records from the official immigration file and system automated data relating to RAMIREZ VIRAMONTES. I have not included every fact known to law enforcement related to this investigation.

PROBABLE CAUSE

4. RAMIREZ VIRAMONTES is a forty-seven-year-old citizen and a native of Mexico who last entered the United States on an unknown date, at an unknown place, without being inspected and admitted or paroled by an immigration officer.

5. On November 1, 1995, U.S. Border Patrol apprehended RAMIREZ VIRAMONTES under the alias “Armando PEREZ Careno” and voluntarily returned him to Mexico the same day.
6. On June 17, 1996, the County Criminal Court in Dallas, Texas convicted RAMIREZ VIRAMONTES under the alias “Armando Gonzales CALDERON” for Forging Proof of Financial Person, a Class A Misdemeanor, and sentenced him to sixty days in jail and six months of probation.
7. On October 15, 1996, the former Immigration and Naturalization Services (INS) arrested RAMIREZ VIRAMONTES under the alias “Armando Gonzales CALDERON” and voluntarily returned him to Mexico on the same day.
8. On January 30, 1997, U.S. Border Patrol apprehended RAMIREZ VIRAMONTES at or near Phoenix, Arizona and voluntarily returned him to Mexico the same day.
9. On November 26, 1998, U.S. Border Patrol arrested RAMIREZ VIRAMONTES in Abilene, Texas and voluntarily returned him to Mexico on the same day.
10. On November 29, 1998, Immigration Inspectors with the former INS arrested RAMIREZ VIRAMONTES in El Paso, Texas after he presented a valid I-586, Border Crossing Card, bearing the name “Vicente ESTRADA Avianeda,” and claimed to be said person. During secondary inspection, RAMIREZ VIRAMONTES admitted the card did not belong to him. On November 29, 1998, the former INS served RAMIREZ VIRAMONTES with a Form I-860, Notice and Order of Expedited Removal.
11. On December 14, 1998, the United States District Court for the Western District of Texas convicted RAMIREZ VIRAMONTES with Fraudulent Possession of Identification, in violation of Title 18, United States Code, Section 1028(a)(4), and sentenced him to three years unsupervised probation.
12. On December 15, 1998, the former INS removed RAMIREZ VIRAMONTES from the United States to Mexico through El Paso, Texas.

13. On March 17, 2007, U.S. Border Patrol apprehended RAMIREZ VIRAMONTES and served him with a Form I-871, Notice of Intent/Decision to Reinstate Prior Order.
14. On March 20, 2007, the United States District Court for the Southern District of Texas, McAllen Division, convicted RAMIREZ VIRAMONTES of Improper Entry, in violation of Title 8, United States Code, Section 1325(a)(1) and sentenced him to fifteen days incarceration.
15. On March 30, 2007, U.S. Border Patrol removed RAMIREZ VIRAMONTES from the United States to Mexico through Hidalgo, Texas.
16. On August 24, 2017, Customs and Border Protection (CBP) at the Chicago O'Hare International Airport conduct an outbound inspection and referred RAMIREZ VIRAMONTES as a match to a possible entry without inspection. CBP Officers served RAMIREZ VIRAMONTES with a Form I-871, Notice of Intent/Decision to Reinstate Prior Order. On August 25, 2017, RAMIREZ VIRAMONTES was removed from the United States to Mexico through Chicago, Illinois.
17. On October 28, 2024, the Macomb County Sheriff's Office in Mt. Clemens, Michigan arrested RAMIREZ VIRAMONTES for Operating While Intoxicated. ICE-ERO received notification of the arrest and placed a detainer.
18. On October 29, 2024, ICE ERO arrested RAMIREZ VIRAMONTES at the Macomb County Jail in Mt. Clemens, Michigan after he was released from custody and transported him to the Detroit Field Office for processing.
19. The arrest and subsequent detention of RAMIREZ VIRAMONTES was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
20. RAMIREZ VIRAMONTES' fingerprints and photograph were captured and searched in the ICE/FBI systems. The fingerprints returned with a positive match for Jose Luis RAMIREZ VIRAMONTES, a native and citizen of Mexico who had previously been removed from the United States.

21. A review of RAMIREZ VIRAMONTES' immigration file, record checks, and queries in the U.S. Department of Homeland Security databases confirmed that RAMIREZ VIRAMONTES did not obtain the permission or express consent from the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States following his removal on August 25, 2017.
22. On October 29, 2024, ICE-ERO served RAMIREZ VIRAMONTES with Form I-871, Notice of Intent/Decision to Reinstate Prior Order.

CONCLUSION

23. Based on the above information, I believe there is probable cause to conclude that Jose Luis RAMIREZ VIRAMONTES is native and citizen of Mexico who has previously been convicted of a felony offense and subsequently removed from the United States on or about August 25, 2017, at or near Chicago, Illinois, and was thereafter found in the United States on or about October 28, 2024 in the Eastern District of Michigan, without first having obtained the express consent or permission of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States, all in violation of Title 8, United States Code, Sections 1326(a), (b)(1).



Monica Alaez, Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me in my
presence and/or by reliable electronic means.



Honorable Kimberly Altman
United States Magistrate Judge

Dated: November 5, 2024